

ORIGINAL APPLICATION NO.263/2020
(Ravindra Kamble Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri K.G.Salunke learned Advocate holding for Shri V.B.Wagh learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 22.10.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 28.09.2020

M.A.NO.347/2019 IN O.A.ST.NO.1444/2019
(Vijaykumar Nawale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri A.S.Deshmukh learned Advocate for the applicant, Shri M.P.Gude learned Presenting Officer for the respondent nos.1 to 4 and Shri K.G.Salunke learned Advocate holding for Shri V.B.Wagh learned Advocate for respondent no.5.

2. At the request of learned Advocate for the respondent no.5, S.O. to 19.10.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 28.09.2020

M.A.NO.616/2019 IN O.A.NO.806/2019
(Suresh Thorat Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri K.G.Salunke learned Advocate holding for Shri V.B.Wagh learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. At the request of learned Advocate for the applicant, S.O. to 22.10.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 28.09.2020

ORIGINAL APPLICATION NO.209/2020
(Akhil Ahmed Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri R.B.Ade learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant prays for issuance of fresh notice.

3. Hence, issue fresh notices to the respondents, returnable on 02.11.2020.

4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

=2= O.A.No.209/2020

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 02.11.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

YUK ORAL ORDERS 28.09.2020

ORIGINAL APPLICATION NO.294/2020
(R.P.Padale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri A.D.Sonkawade learned Advocate for the applicant and Shri B.S.Deokar learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant files service affidavit regarding service of notice on respondent no.5. It is taken on record.

3. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.

4. S.O. to 02.11.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 28.09.2020

ORIGINAL APPLICATION NO.233/2020
(Arun Ghate Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri V.G.Pingle learned Advocate for the applicant and Shri Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time is granted.
3. S.O. to 02.11.2020.

VICE CHAIRMAN

YUK ORAL ORDERS 28.09.2020

ORIGINAL APPLICATION NO.333/2020
(Arjun Pawar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Smt. Suchita Dhongde learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 29.10.2020.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

=2= O.A.No.333/2020

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 29.10.2020.

8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

YUK ORAL ORDERS 28.09.2020

ORIGINAL APPLICATION NO.338/2020
(Popat Barde Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri V.P.Golewar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. The applicant by filing the present O.A. has challenged the impugned order dated 05-08-2020 by which he has been suspended.

3. On perusal of documents on record, it reveals that the applicant has challenged the said order by preferring appeal before the Competent Authority on 17-08-2020. The appeal is pending and it is not yet decided.

4. In view of the provisions of Administrative Tribunals Act, 1985 O.A. can be filed if appeal or representation is not decided within 6 months by the Competent Authority. Thus, the period stipulated in the said provision is not yet expired. Hence, the O.A. cannot be admitted as it is not maintainable in view of Section 20(2)(b) of the Administrative Tribunals Act, 1985. Thus, the O.A. stands rejected as not maintainable. There shall be no order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION NO.374/2020
(Amol Khade Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri N.L.Choudhary learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, **S.O. to 08-10-2020** for taking instructions from the respondents.

VICE CHAIRMAN

YUK ORAL ORDERS 28.09.2020

M.A. NO. 72/2020 IN O.A. NO. 539/2018
M.A. NO. 73/2020 IN O.A. NO. 704/2018
M.A. NO. 74/2020 IN O.A. NO. 551/2018
M.A. NO. 75/2020 IN O.A. NO. 550/2018
M.A. NO. 76/2020 IN O.A. NO. 379/2018
M.A. NO. 77/2020 IN O.A. NO. 538/2018
M.A. NO. 78/2020 IN O.A. NO. 408/2018
M.A. NO. 85/2020 IN O.A. NO. 537/2018
M.A. NO. 93/2020 IN O.A. NO. 536/2018

(Dr. Nagrao A. Khupse & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicants in all MAs and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all MAs.

2. Learned Advocate for the applicants in all MAs submits that she collected the notices in all MAs from the office of the Tribunal as per order dated 13.02.2020, which were to be served upon the respondents on or before the returnable date i.e. 01.04.2020. Accordingly, she served all the respondents in all MAs before the returnable date, but she could not submit the service affidavits on record due to lockdown on account of Corona Pandemic. However, she has taken care to send the copies of

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**M.A. NO. 72/2020 IN
O.A. NO. 539/2018**

service report and service affidavits on E.mail to the Registrar of the Tribunal and now she wants to submit hard copies of the affidavit on record.

3. Learned Advocate for the applicants in all MAs prayed for extension of time with permission to file service affidavits on record. The applicant is permitted to file service affidavits on record in all MAs.

VICE CHAIRMAN

ORAL ORDERS 28.09.2020-hdd

ORIGINAL APPLICATION NO. 292 OF 2020
(Bhatu J. Borse & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicants and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicants submits that though the notices were collected from the office of the Tribunal on 18.08.2020 as per order dated 13.08.2020, still he could not serve the notices on the respondents due to lockdown on account of Corona Pandemic

3. Thus, the learned Advocate for the applicants wants to serve fresh notices upon the respondents. Hence, issue fresh notices to the respondents, returnable on 12.10.2020.

4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 12.10.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 213 OF 2020
(Kum. Apurva S. Narale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the applicant and Mrs. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that though the notices were collected from the office of the Tribunal on 18.08.2020 as per order dated 13.08.2020, still he could not serve the notices on the respondents due to lockdown on account of Corona Pandemic

3. Thus, the learned Advocate for the applicant wants to serve fresh notices upon the respondents. Hence, issue fresh notices to the respondents, returnable on 12.10.2020.

4. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 12.10.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A.NO. 325/2019 IN O.A.ST.NO. 1389/2019
(Sukhdeo R. Solankar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[The present case has been placed before the
Single Bench due to non-availability of Division
Bench]

DATE : 28.09.2020

ORAL ORDER :

Heard Shri R.K. Khandelwal, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that as per order dated 28.02.2020 he obtained notice from the office of the Tribunal for service upon the respondent No. 2. Accordingly, he served the notice upon the respondent No. 2 on 5.3.2020 but, he could not submit the service affidavit on record before the returnable date due to lockdown on account of Corona Pandemic

3. Hence, learned Advocate for the applicant prayed for extension of time with permission to file service affidavit on record regarding respondent No. 2. The applicant is permitted to file service affidavit of respondent No. 2 on record.

VICE CHAIRMAN

M.A.NO. 626/2020 IN O.A.ST.NO. 2319/2019
(Baban N. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that as per order dated 09.03.2020 he collected the notices from the office of the Tribunal on 12.03.2020 and served the respondents in M.A. No. 626/2020 on 16.03.2020 & 17.03.2020. However, he could not file service affidavit before the returnable date due to lockdown on account of Corona Pandemic. Hence, he prayed for extension of time for filing service affidavit.

3. Permission granted as prayed for by the learned Advocate for the applicant.

VICE CHAIRMAN

ORAL ORDERS 28.09.2020-hdd

**M.A.NO. 05/2020 IN O.A.ST.NO. 2458/2019
(Dr. Manik S. Madke Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020

ORAL ORDER :

Heard Shri P.R. Tandale, learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant submits that as per order dated 09.03.2020 he collected the notices from the office of the Tribunal on 12.03.2020 and served the respondent Nos. 1, 2, 3, 5 & 6 on 16.03.2020 & on respondent No. 4 on 17.03.2020 in M.A. No. 05/2020. However, he could not file service affidavit before the returnable date due to lockdown on account of Corona Pandemic. Hence, he prayed for extension of time for filing service affidavit.

3. Permission granted as prayed for by the learned Advocate for the applicant.

VICE CHAIRMAN

ORAL ORDERS 28.09.2020-hdd

C.P.NO. 4/2020 IN O.A.NO. 333/2017
(Dr. Shital A. Soni Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that he obtained notices from the office of the Tribunal as per order dated 02.03.2020 for service upon the respondents. Accordingly, he posted the notices with the post office. However, he could not get the service report from the concerned post office due to lockdown on account of Corona Pandemic and, therefore, he could not submit the service affidavit on record before the returnable date.

3. Learned Advocate for the applicant prayed for issuance of fresh notices to the respondents in C.P. No. 4/2020 In O.A. No. 333/2017.

4. Hence, issue fresh notices to the respondents in C.P. No. 4/20 In O.A. No. 333/2017, returnable on 29.10.2020.

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 29.10.2020.

10. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

C.P.NO. 5/2020 IN O.A.NO. 336/2017
(Dr. Yogesh V. Solanke Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that he obtained notices from the office of the Tribunal as per order dated 02.03.2020 for service upon the respondents. Accordingly, he posted the notices with the post office. However, he could not get the service report from the concerned post office due to lockdown on account of Corona Pandemic and, therefore, he could not submit the service affidavit on record before the returnable date.

3. Learned Advocate for the applicant prayed for issuance of fresh notices to the respondents in C.P. No. 5/2020 In O.A. No. 336/2017.

4. Hence, issue fresh notices to the respondents in C.P. No. 5/2020 In O.A. No. 336/2017, returnable on 29.10.2020.

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 29.10.2020.

10. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

C.P.NO. 6/2020 IN O.A.NO. 332/2017
(Dr. Anil S. Biradar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020

ORAL ORDER :

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that he obtained notices from the office of the Tribunal as per order dated 02.03.2020 for service upon the respondents. Accordingly, he posted the notices with the post office. However, he could not get the service report from the concerned post office due to lockdown on account of Corona Pandemic and, therefore, he could not submit the service affidavit on record before the returnable date.

3. Learned Advocate for the applicant prayed for issuance of fresh notices to the respondents in C.P. No. 6/2020 In O.A. No. 332/2017.

4. Hence, issue fresh notices to the respondents in C.P. No. 6/2020 In O.A. No. 332/2017, returnable on 29.10.2020.

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 29.10.2020.

10. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A.NO. 113/2020 IN O.A.ST.NO. 299/2020
(Maruti N. Ghodke Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020

ORAL ORDER :

Heard Shri Ganesh J. Kore, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 18.3.2020 he collected the notices from the office of the Tribunal for service upon the respondents. However, he could not serve the notices upon the respondents before the returnable date due to lockdown on account of Corona Pandemic. However, he posted the notices with the post office in the month of August, 2020 i.e. after the returnable date. It is further submitted by the learned Advocate for the applicant that to avoid the lacuna in proper service of notices, he wants to serve the respondents afresh.

3. Hence, he prayed for issuance of fresh notices to the respondents in M.A. No. 113/2020 In O.A. St. No. 299/2020.

4. In view of the above, issue fresh notices to the respondents in M.A. No. 113/2020 In O.A. St. No. 299/2020, returnable on 26.10.2020.

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 26.10.2020.

10. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A.NO. 114/2020 IN O.A.ST.NO. 301/2020
(Uttam K. Kadam Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020

ORAL ORDER :

Heard Shri Ganesh J. Kore, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 18.3.2020 he collected the notices from the office of the Tribunal for service upon the respondents. However, he could not serve the notices upon the respondents before the returnable date due to lockdown on account of Corona Pandemic. However, he posted the notices with the post office in the month of August, 2020 i.e. after the returnable date. It is further submitted by the learned Advocate for the applicant that to avoid the lacuna in proper service of notices, he wants to serve the respondents afresh.

3. Hence, he prayed for issuance of fresh notices to the respondents in M.A. No. 114/2020 In O.A. St. No. 301/2020.

4. In view of the above, issue fresh notices to the respondents in M.A. No. 114/2020 In O.A. St. No. 301/2020, returnable on 26.10.2020.

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 26.10.2020.

10. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A.NO. 115/2020 IN O.A.ST.NO. 303/2020
(Ashok P. Patil Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020

ORAL ORDER :

Heard Shri Ganesh J. Kore, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 18.3.2020 he collected the notices from the office of the Tribunal for service upon the respondents. However, he could not serve the notices upon the respondents before the returnable date due to lockdown on account of Corona Pandemic. However, he posted the notices with the post office in the month of August, 2020 i.e. after the returnable date. It is further submitted by the learned Advocate for the applicant that to avoid the lacuna in proper service of notices, he wants to serve the respondents afresh.

3. Hence, he prayed for issuance of fresh notices to the respondents in M.A. No. 115/2020 In O.A. St. No. 303/2020.

4. In view of the above, issue fresh notices to the respondents in M.A. No. 115/2020 In O.A. St. No. 303/2020, returnable on 26.10.2020.

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 26.10.2020.

10. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A.NO. 116/2020 IN O.A.ST.NO. 305/2020
(Jagannath B. Kaljate Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020

ORAL ORDER :

Heard Shri Ganesh J. Kore, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 18.3.2020 he collected the notices from the office of the Tribunal for service upon the respondents. However, he could not serve the notices upon the respondents before the returnable date due to lockdown on account of Corona Pandemic. However, he posted the notices with the post office in the month of August, 2020 i.e. after the returnable date. It is further submitted by the learned Advocate for the applicant that to avoid the lacuna in proper service of notices, he wants to serve the respondents afresh.

3. Hence, he prayed for issuance of fresh notices to the respondents in M.A. No. 116/2020 In O.A. St. No. 305/2020.

4. In view of the above, issue fresh notices to the respondents in M.A. No. 116/2020 In O.A. St. No. 305/2020, returnable on 26.10.2020.

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 26.10.2020.

10. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

M.A.NO. 117/2020 IN O.A.ST.NO. 320/2020
(Pamabai Dagdu Wanve Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020

ORAL ORDER :

Heard Shri Ganesh J. Kore, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 18.3.2020 he collected the notices from the office of the Tribunal for service upon the respondents. However, he could not serve the notices upon the respondents before the returnable date due to lockdown on account of Corona Pandemic. However, he posted the notices with the post office in the month of August, 2020 i.e. after the returnable date. It is further submitted by the learned Advocate for the applicant that to avoid the lacuna in proper service of notices, he wants to serve the respondents afresh.

3. Hence, he prayed for issuance of fresh notices to the respondents in M.A. No. 117/2020 In O.A. St. No. 320/2020.

4. In view of the above, issue fresh notices to the respondents in M.A. No. 117/2020 In O.A. St. No. 320/2020, returnable on 26.10.2020.

5. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

6. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

9. S.O. to 26.10.2020.

10. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 363 OF 2020
(Shri Uday Bhagwanrao Nikam Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri S.G. Kulkarni, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. The applicant has challenged the order dated 25.06.2020 transferring the applicant from Record section to Inward /Outward section by filing the present Original Application.

3. On perusal of the impugned order, it reveals that the impugned order is not a transfer order. The applicant has not been transferred from one post to another post and therefore, it cannot be treated as transfer as provided under the provisions of Transfer Act, 2005. Only duties/work assigned to the applicant has been changed by the impugned order. The administrative head has every right to change the work assigned to the employees working under him. Therefore, the said order cannot be treated as transfer order. Hence, the present O.A. is not maintainable and it deserves to be dismissed.

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O.A. No. 363/2020

4. In view of this, the O.A. stands dismissed with no order as to costs.

VICE CHAIRMAN

KPB ORAL ORDERS 28.09.2020

ORIGINAL APPLICATION NO. 1099 OF 2019
(Shri Ramraje G. Pawar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2. Same is taken on record and copy thereof has been served on the other side.

3. Learned P.O. seeks time for filing affidavit in reply on behalf of respondent No. 3.

4. On perusal of the record, it reveals that the matter is pending since January, 2020. Ample opportunities were given to the respondent No. 3 for filing affidavit in reply. In spite of that, the respondent No. 3 has failed to file affidavit in reply within stipulated time. There is no just ground to grant further time for filing affidavit in reply to the respondent No. 3. However, in the interest of justice, most last chance is granted to the respondent No. 3 for filing affidavit in reply subject to payment of costs of

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O.A. No. 1099/2019

Rs. 10,000/- (Ten Thousand Rs.). The amount of costs shall be deposited in the Registry of this Tribunal.

5. S.O. to 12.10.2020.

VICE CHAIRMAN

Later on

6. Learned C.P.O. submits that he is going to file affidavit in reply on behalf of respondent No. 3 during the course of the day. Therefore, he has prayed to recall the order passed today in the morning session imposing costs on the respondent No. 3.

7. Since the respondent No. 3 is filing affidavit in reply during the course of the day, the order passed today in morning session imposing costs of Rs. 10,000/- on the respondent No. 3 is hereby recalled. The affidavit of respondent No. 3 be taken on record and copy thereof be supplied to the other side.

8. S.O. to 12.10.2020.

VICE CHAIRMAN

**ORIGINAL APPLICATION NO. 101 OF 2020 WITH
CAVEAT 02/2020**

(Shri Milind V. Nakade Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri S.S. Thombre, learned Advocate for the applicant, Smt. Deepali S. Deshpande, learned Presenting Officer for the respondent Nos. 1, 2 & 5 and Shri S.B. Mene, learned Advocate for respondent Nos. 4.

2. Learned Advocate Shri S.B. Mene, appeared on behalf of respondent No. 3 and seeks time for filing affidavit in reply on behalf of respondent Nos. 3 & 4. Time granted.

3. Learned P.O. seeks time for filing affidavit in reply on behalf of respondent Nos. 1, 2 & 5. Time granted.

4. S.O. to 02.11.2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 189 OF 2020
(Shri Sanjeev G. Vispute & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 02.11.2020.

VICE CHAIRMAN

KPB ORAL ORDERS 28.09.2020

ORIGINAL APPLICATION NO. 310 OF 2020
(Shri Sandip P. Nalawade Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Shri C.V. Dharurkar, learned Advocate for the applicant (**Absent**).

Heard Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer seeks time for filing affidavit in reply on behalf of all respondents. Time granted.

3. As the learned C.P.O. appeared on behalf of respondent No. 1, notice to respondent No. 1 is dispensed with.

4. S.O. to 02.11.2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 321 OF 2020
(Dr. Ramesh D. Khandare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri Shamsunder B. Patil, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant has placed on record a copy of communication dated 25.09.2020 received to him from the applicant informing him to withdraw the present O.A. Same is taken on record and marked as document 'X' for the purposes of identification. He has submitted that the applicant does not want to proceed with the present O.A. and wants to withdraw the same. Therefore, he seeks leave of this Tribunal to withdraw the present O.A.

3. Learned P.O. has prayed to pass necessary order.

4. Since the applicant does not want to proceed with the O.A. and wants to withdraw the same, leave as prayed for is granted. The O.A. is disposed of as withdrawn with no order as to costs.

VICE CHAIRMAN

M.A. No. 203/2020 in O.A. St. No. 572/2020
(Shri Ashok S. Gade Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri P.V. Tapse Patil , learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents in M.A. Time granted.

3. S.O. to 05.11.2020.

VICE CHAIRMAN

KPB ORAL ORDERS 28.09.2020

ORIGINAL APPLICATION NO. 583 OF 2019
(Shri Bhaskar D. Baviskar Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 602 OF 2019
(Shri Bhaskar D. Baviskar Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 619 OF 2019
(Shri Arjun R. Pawar Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO. 620 OF 2019
(Shri Rajendra S. Mali Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Ms. Preeti R. Wankhade, learned Advocate for the applicants in all these O.As. and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents in all these O.As.

2. At the request of learned Advocate for the applicants, S.O. to 19.10.2020.

VICE CHAIRMAN

KPB ORAL ORDERS 28.09.2020

ORIGINAL APPLICATION NO. 335 OF 2020
(Shri Arjun N. Pache Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Ms. Preeti Wankhade, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks leave of this Tribunal to amend the prayer clause of the O.A., as the applicant intends to challenge the order dated 06.08.2019.

3. Leave as prayed for by the applicant is granted. The applicant shall amend the O.A. within a period of two weeks.

4. In view of this, the present O.A. is removed from the board.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 30 OF 2020

(Shri Prashant Bhagwansingh Kachhawa Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has placed on record a copy of communication dated 23.09.2020 along with other relevant documents. Same are taken on record and marked as document X collectively for the purposes of identification. He has submitted that the respondents are going to disburse the salary of the disputed period to the applicant within a period of four weeks and they have sent the requisition to the higher authorities providing funds.

3. Learned Advocate for the applicant has submitted that the prayer claimed by the applicant in para No. 21 (G) (iii) has been satisfied and so far as prayer clause 21 (G) (iv) is concerned, the learned Presenting Officer made a statement that the respondents are going to disburse the salary for the disputed period within a period of four weeks. Therefore, he has prayed to dispose of the present O.A.

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O.A. No. 30/2020

4. In view of the submissions advanced by the learned Presenting Officer and learned Advocate for the applicant, the O.A. is disposed of with a direction to the respondents to disburse the salary of the applicant for the disputed period as mentioned in the communication dated 23.09.2019 within a period of four weeks from the date of this order. There shall be no order as to costs.

VICE CHAIRMAN

KPB ORAL ORDERS 28.09.2020

O.A. NOS. 364 & 365 BOTH OF 2020

(Shri Mayur P. Chavan & Anr. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri K.B. Jadhav, learned Advocate for the applicants in both the O.As. and Shri M.S. Mahajan, & Smt. Priya R. Bharaswadkar, learned Chief Presenting Officer and Presenting Officer for the respective respondents in respective O.As.

2. Learned Advocate for the applicants seeks leave of this Tribunal to amend the prayer clause of the O.As.

3. Leave as prayed for by the applicants is granted. The applicant shall amend the O.A. on or before the next date.

4. S.O. to 01.10.2020.

VICE CHAIRMAN

**O.A. NOS. 375/2020, 376/2020 and M.A. 237/2020
in O.A. St. No. 993/2020
(Shri Amol M. Naikwade & Anr. Vs. State of Maharashtra & Ors.)**

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : 28.09.2020.

ORAL ORDER :

Heard Shri A.S. Deshmukh, learned Advocate for the applicants in all these O.As. and S/shri M.S. Mahajan, I.S. Thorat & Smt. Priya R. Bharaswadkar, learned Chief Presenting Officer and Presenting Officers for the respective respondents in respective O.As.

2. At the request of learned Chief Presenting Officer for the respondents, S.O. to 01.10.2020.

VICE CHAIRMAN

KPB ORAL ORDERS 28.09.2020

ORIGINAL APPLICATION NO. 231/2020
(Umesh T. Hule Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 28.09.2020

ORAL ORDER :

Heard Shri R.C. Bramhankar, learned Advocate holding for Shri N.L. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Though the matter was already posted to 1.10.2020 in view of circulation asked for by the learned Advocate for the applicant it is posted on today's board.

3. Today also the learned Advocate for the applicant seeks time for taking instructions from the applicant and for filing on record the relevant documents on the line of order dtd. 20.8.2020. Time granted.

4. In the circumstances, S.O. to 8.10.2020.

VICE CHAIRMAN

M.A. ST. 872/2020 IN O.A. ST. 873/2020
(Ashok D. Talde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : 28.09.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicants seeks time for filing separate application for condonation of delay caused in filing the accompanying O.A. Time granted.

3. In the circumstances, S.O. to 12.10.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 28.9.2020

ORIGINAL APPLICATION NO. 238/2020
(Balu S. Sumbe Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 239/2020
(Rahul A. Tarwade Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 240/2020
(Mustaq I. Sayyed Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 241/2020
(Manohar S. Gawande Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 242/2020
(Bahiru K. Benke Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 243/2020
(Somnath N. Gadhawe Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 244/2020
(Sandeep S. Kale Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 245/2020
(Dnyaneshwar J. Sonawane Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 246/2020
(Dattatraya M. Devkate Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 247/2020
(Kiran A. Gorde Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 248/2020
(Bhagwan K. Govekar Vs. State of Maharashtra & Ors.)
WITH
ORIGINAL APPLICATION NO. 249/2020
(Vivek V. Nikam Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : 28.09.2020

ORAL ORDER :

Heard Shri S.R. Sapkal, learned Advocate for the applicants in all these cases and S/shri M.S. Mahajan, N.U. Yadav, V.R. Bhumkar, I.S. Thorat, M.P. Gude, Smt. Priya R. Bharaswadkar & Smt. Deepali S. Deshpande, learned Chief Presenting Officer & learned Presenting Officers for the respective respondents in respective cases.

2. Keeping the point of maintainability of the present cases on the point of non-joinder of necessary party respondents, open, issue notices to the respondents in the present O.As, returnable on 5.11.2020.

3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

(Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 5.11.2020.

8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1023/2019
(Chandrashekhar N. Nagare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 28.09.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate has placed on record copy of communication dtd. 19.8.2020 issued by the Under Secretary, P.W.D., Mantralaya, Mumbai to the Chief Engineer, P.W.D. of region. It is taken on record and marked as document 'X' for the purpose of identification.

3. Learned C.P.O. seeks time to take instructions from the concerned respondents on the line of order dtd. 24.8.2020. Time granted.

4. In the circumstances, S.O. to 12.10.2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 133/2020
(Ms. Alka S. Mundhe Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 28.09.2020

ORAL ORDER :

Heard Shri Sandeep D. Munde, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned C.P.O. has filed affidavit in reply on behalf of respondent no. 4. It is taken on record and copy thereof has been supplied to other side. He also seeks time to file affidavit in reply on behalf of other respondents. Time granted.

4. In the circumstances, S.O. to 29.10.2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 312/2020
(Amol D. Jadhav Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 28.09.2020

ORAL ORDER :

Shri D.R. Irale Patil, learned Advocate for the applicant (**absent**). Shri I.S. Thorat, learned Presenting Officer for the respondents, is present.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted.

4. In the circumstances, S.O. to 2.11.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 28.9.2020

ORIGINAL APPLICATION NO. 287/2020

(Shahu S. Jaswantsingh S. Huzurasingh Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 28.09.2020

ORAL ORDER :

Heard Shri M.K. Bhosale, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned P.O. seeks time to file affidavit in reply on behalf of the respondents. Time granted.

4. In the circumstances, S.O. to 29.10.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 28.9.2020

M.A. 227/2020 IN O.A. 180/2020
(Ganesh N. Suralkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 28.09.2020

ORAL ORDER :

Heard Smt. Punam Mahajan, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant has filed on record copy of communication dtd. 21.9.2020 issued by the Under Secretary, G.A.D., Mantralaya, Mumbai to the Principal Secretary (Energy), Industry, Energy & Labour Department, Mantralaya, Mumbai and copy thereof is marked to the applicant, copy of comparative chart of Assistant Engineers 1995 and 1998 batch and copy of Revenue Division Allotment for appointment by nomination and promotion to the posts of Group 'A' and Group 'B' (Gaetted and Non-gazetted) of the Government of Maharashtra (Second Amendment) Rules, 2017. The said documents are taken on record and marked as document 'X' collectively for the purpose of identification.

3. Learned C.P.O. seeks time to take instructions from the respondents. Time granted.

4. In the circumstances, S.O. to 5.10.2020.

VICE CHAIRMAN

T.A. 1/2020 (W.P. 2057/2020)
(Vaibhav U. Gawali Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : 28.09.2020

ORAL ORDER :

Heard Shri V.Y. Patil, learned Advocate holding for Shri Shaikh Mazhar A. Jahagirdar, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant on instructions states that the purpose of filing the present T.A./W.P. has been served as the applicant has been called for oral interview and his oral interview has been conducted by the M.P.S.C. Therefore, he prayed to dispose of the present T.A./W.P.

3. Learned Advocate for the applicant has submitted that the respondent M.P.S.C. was restrained to declare the result of the applicant until further order in view of the order passed by the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in writ petition No. 2057/2020 dated 30.1.2020. He has therefore submitted that while disposing of the present T.A./W.P., the respondent M.P.S.C. may be directed to declare the result of the applicant.

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T.A. 1/2020 (W.P. 2057/2020)

4. Learned P.O. has submitted that by passing appropriate order, the present T.A./W.P. may be disposed of.

5. In view of the submissions advanced by the learned Advocate for the applicant and learned Presenting Officer, the present T.A./W.P. is disposed of as the applicant is not interested in prosecuting the same. The interim order passed by the Hon'ble High Court in the present W.P. dated 30.1.2020 is hereby vacated. The respondent M.P.S.C. is hereby permitted to declare the result of the applicant as per the rules. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 28.9.2020

ORIGINAL APPLICATION NO. 121/2020
(Vaibhav U. Gawali Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 28.09.2020

ORAL ORDER :

Heard Shri V.Y. Patil, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant on instructions states that the purpose of filing the present O.A. has been served as the applicant has been called for oral interview and his oral interview has been conducted by the M.P.S.C. Therefore, She prayed to dispose of the present O.A.

3. Learned Advocate for the applicant has submitted that the respondent M.P.S.C. was restrained to declare the result of the applicant until further order in view of the order passed by the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in writ petition No. 2057/2020 dated 30.1.2020. He has therefore submitted that while disposing of the present O.A., the respondent M.P.S.C. may be directed to declare the result of the applicant.

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O.A. NO. 121/2020

4. Learned P.O. has submitted that by passing appropriate order, the present O.A. may be disposed of.

5. In view of the submissions advanced by the learned Advocate for the applicant and learned Presenting Officer, the present O.A. is disposed of as the applicant is not interested in prosecuting the same. The respondent M.P.S.C. is hereby permitted to declare the result of the applicant as per the rules. There shall be no order as to costs.

VICE CHAIRMAN

ARJ ORAL ORDERS 28.9.2020